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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Belarus, Uganda* and Venezuela (Bolivarian Republic of): draft resolution

Combating defamation of religions

The General Assembly,

Reaffirming the pledge made by all States, under the Charter of the United Nations, to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to race, sex, language or religion,

Recalling the relevant international instruments on the elimination of discrimination, in particular the International Convention on the Elimination of All Forms of Racial Discrimination,[1] the International Covenant on Civil and Political Rights,[2] the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion and Belief,[3] the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live[4] and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[5]

Recalling also the relevant resolutions of the Commission on Human Rights and the Human Rights Council in this regard,

Welcoming the resolve expressed in the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000[6] to take

* On behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference.

[1] United Nations, *Treaty Series*, vol. 660, No. 9464.

[2] See resolution 2200 A (XXI), annex.

[3] See resolution 36/55.

[4] See resolution 40/144, annex.

[5] See resolution 47/135, annex.

[6] See resolution 55/2.

measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels,

Underlining in this regard the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001,[7] welcoming the progress achieved in implementing the Declaration and Programme of Action, and emphasizing that they constitute a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Expressing concern at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result, inter alia, of the resurgence of activities of political parties and associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Deeply alarmed at the rising trends towards discrimination based on religion or belief, including in some national policies, laws and administrative measures that stigmatize groups of people belonging to certain religions and beliefs under a variety of pretexts relating to security and illegal immigration, thereby legitimizing discrimination against them, and consequently impairing their enjoyment of the right to freedom of thought, conscience and religion, and impeding their ability to observe, practise and manifest their religion freely and without fear of coercion, violence or reprisal,

Noting with deep concern the serious instances of intolerance, discrimination and acts of violence based on religion or belief, intimidation and coercion motivated by extremism, religious or otherwise, occurring in many parts of the world, in addition to the negative projection of Islam in the media and the introduction and enforcement of laws and administrative measures that specifically discriminate against and target Muslims, in particular Muslim minorities following the events of 11 September 2001, and that threaten to impede their full enjoyment of human rights and fundamental freedoms,

Stressing that defamation of religions is a serious affront to human dignity leading to the restriction of the freedom of religion of their adherents and incitement to religious hatred and violence,

Stressing also the need to effectively combat defamation of all religions and incitement to religious hatred, against Islam and Muslims in particular,

Reaffirming that discrimination on the grounds of religion or belief constitutes a violation of human rights and a disavowal of the principles of the Charter of the United Nations,

Noting with concern that defamation of religions, and incitement to religious hatred in general, could lead to social disharmony and violations of human rights, and alarmed at the inaction of some States to combat this burgeoning trend and the resulting discriminatory practices against adherents of certain religions,

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[7] See A/CONF.189/12 and Corr.1, chap. I.

Taking note of the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted to the Human Rights Council at its fourth and sixth sessions,[8] which draw attention to the serious nature of the defamation of all religions, and reiterating the call of the Special Rapporteur to all States to wage a systematic campaign against incitement to racial and religious hatred by maintaining a careful balance between the defence of secularism and respect for freedom of religion and by acknowledging and respecting the complementarity of all the freedoms embodied in the International Covenant on Civil and Political Rights,[2]

Recalling the proclamation of the Global Agenda for Dialogue among Civilizations,[9] and inviting States, the organizations and bodies of the United Nations system, within existing resources, other international and regional organizations and civil societies to contribute to the implementation of the Programme of Action contained in the Global Agenda,

Welcoming the efforts of the Alliance of Civilizations initiative in promoting mutual respect and understanding among different cultures and societies, as well as the forthcoming second forum of the Alliance, to be held in Istanbul, Turkey, on 2 and 3 April 2009,

Convinced that respect for cultural, ethnic, religious and linguistic diversity, as well as dialogue among and within civilizations, is essential for peace, understanding and friendship among individuals and people of the different cultures and nations of the world, while manifestations of cultural prejudice, intolerance and xenophobia towards people belonging to different cultures, religions and beliefs generate hatred and violence among peoples and nations throughout the world,

Recognizing the valuable contributions of all religions and beliefs to modern civilization and the contribution that dialogue among civilizations can make to an improved awareness and understanding of common values,

Underlining the important role of education in the promotion of tolerance and the elimination of discrimination based on religion or belief,

Reaffirming the need for all States to continue their national and international efforts to enhance dialogue and broaden understanding among civilizations, cultures, religions and beliefs, and emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect for and freedom of religion and belief,

Welcoming all international and regional initiatives aimed at promoting cross-cultural and interfaith harmony, including the International Dialogue on Interfaith Cooperation, held in Yogyakarta, Indonesia, on 6 and 7 December 2004, and the World Conference on Dialogue, held in Madrid from 16 to 18 July 2008, and their valuable efforts towards the promotion of a culture of peace and dialogue at all levels, and taking note with appreciation of the final declaration adopted at the conference on "Common world: progress through diversity",[10] held in Astana on 17 October 2008,

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[8] A/HRC/4/19 and A/HRC/6/6.

[9] See resolution 56/6.

[10] A/63/512-S/2008/677.

Underlining the importance of increasing contacts at all levels in order to deepen dialogue and reinforce understanding among different cultures, religions, beliefs and civilizations, and welcoming in this regard the Declaration and Programme of Action adopted by the Ministerial Meeting on Human Rights and Cultural Diversity of the Movement of Non-Aligned Countries, held in Tehran on 3 and 4 September 2007,[11]

Recalling its resolution 62/154 of 18 December 2007,

1. *Takes note* of the report of the Secretary-General[12] and the conclusions contained therein;

2. *Expresses deep concern* at the negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief still evident in the world;

3. *Strongly deplores* all acts of ideological and physical violence and assaults, and incitement thereto, against persons on the basis of their religion or belief, and such acts directed against their businesses, properties, cultural centres and places of worship, as well as targeting of holy sites and religious symbols of all religions;

4. *Expresses deep concern* at the programmes and agendas pursued by extremist organizations and groups aimed at the defamation of religions, and incitement to religious hatred in general, in particular when condoned by Governments;

5. *Notes with deep concern* the intensification of the campaign of defamation of religions, and incitement to religious hatred in general, including the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001;

6. *Recognizes* that, in the context of the fight against terrorism and the reaction to counter-terrorism measures, defamation of religions, and incitement to religious hatred in general, become aggravating factors that contribute to the denial of fundamental rights and freedoms of members of target groups, as well as their economic and social exclusion;

7. *Expresses deep concern* in this respect that Islam is frequently and wrongly associated with human rights violations and terrorism;

8. *Reiterates* the commitment of all States to the implementation, in an integrated manner, of the United Nations Global Counter-Terrorism Strategy, which was adopted without a vote by the General Assembly on 8 September 2006,[13] and which clearly affirms, inter alia, that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group, stressing the need to reinforce the international community's commitment to promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs or cultures and prevent the defamation of religions;

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[11] A/62/464, annex.

[12] A/63/365.

[13] Resolution 60/288.

9. *Deplores* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination against any religion, including Islam, as well as targeting of religious symbols;

10. *Emphasizes* that, as stipulated in international human rights law, everyone has the right to hold opinions without interference and the right to freedom of expression, and that the exercise of these rights carries with it special duties and responsibilities and may therefore be subject to limitations as are provided for by law and are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals;

11. *Reaffirms* that general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination,[14] in which the Committee stipulated that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with freedom of opinion and expression, is equally applicable to the question of incitement to religious hatred;

12. *Invites* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to continue to carry out their work as mandated by the Human Rights Council in its resolutions 7/34 and 7/36 of 28 March 2008;[15]

13. *Reaffirms* the obligation of all States to enact the necessary legislation to prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and urges States to take resolute action in this regard;

14. *Urges* all States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions and incitement to religious hatred in general, to take all possible measures to promote tolerance and respect for all religions and beliefs and the understanding of their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance;

15. *Also urges* all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect people regardless of their different religions and beliefs and do not discriminate against persons on the grounds of their religion or belief, and that any necessary and appropriate education or training is provided;

16. *Underscores* the need to combat defamation of religions, and incitement to religious hatred in general, by strategizing and harmonizing actions at the local, national, regional and international levels through education and awareness-raising;

17. *Urges* States to ensure equal access to education for all, in law and in practice, including access to free primary education for all children, both girls and boys, and access for adults to lifelong learning and education based on respect for human rights, diversity and tolerance, without discrimination of any kind, and to

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[14] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

[15] See A/HRC/7/78.

refrain from any legal or other measures leading to racial segregation in access to schooling;

18. *Calls upon* the international community to foster a global dialogue to promote a culture of tolerance and peace based on respect for human rights and diversity of religion and belief, and urges States, non-governmental organizations, religious bodies and the print and electronic media to support and participate in such a dialogue;

19. *Affirms* that the Human Rights Council shall promote universal respect for all religious and cultural values and address instances of intolerance, discrimination and incitement of hatred against members of any community or adherents of any religion, as well as promote ways to consolidate international efforts in order to combat impunity for such deplorable acts;

20. *Welcomes* the initiative by the United Nations High Commissioner for Human Rights to hold an expert seminar on freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, which was held on 2 and 3 October 2008, and requests the High Commissioner to continue to build on this initiative, with a view to preventing and eliminating all such forms of incitement and the consequences of negative stereotyping of religions or beliefs, and their adherents, on the human rights of those individuals and their communities;

21. *Takes note* of the efforts of the United Nations High Commissioner for Human Rights to promote and include human rights aspects in educational programmes, particularly the World Programme for Human Rights Education proclaimed by the General Assembly on 10 December 2004,[16] and calls upon the High Commissioner to continue those efforts, with particular focus on:

(a) The contributions of cultures, as well as religious and cultural diversity;

(b) Collaboration with other relevant bodies of the United Nations system and regional and international organizations in holding joint conferences designed to encourage the dialogue among civilizations and promote understanding of the universality of human rights and their implementation at various levels, in particular the Office of the United Nations High Representative for the Alliance of Civilizations and the unit within the Secretariat mandated to interact with various entities within the United Nations system and coordinate their contribution to the intergovernmental process;

22. *Requests* the Secretary-General to submit a report on the implementation of the present resolution, including on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world, to the General Assembly at its sixty-fourth session.

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[16] See resolutions 59/113 A and B.